

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 3—Juvenile Crime Control Act

H.R. 2—Housing Opportunity and Responsibility Act



H.R. 3—Juvenile Crime Control Act

Floor Situation: The House will continue consideration of H.R. 3 as its first order of business today. Yesterday, the House completed general debate and will now consider amendments under a modified closed rule. The rule makes in order a committee amendment in the nature of a substitute as base text and House rules prohibiting appropriations on a legislative bill. It also makes in order eight amendments, to be considered in the order listed and for the amount of time specified below. The rule allows the Chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

Summary: H.R. 3 strengthens federal laws governing the prosecution of juveniles in the federal court system and authorizes \$1.5 billion over three years for states to address rising juvenile crime rates. Specifically, the bill (1) amends federal procedures for prosecuting juveniles as adults in the federal juvenile justice system to create a presumption in favor of trying certain juveniles as adults; (2) creates a \$500 million per year block grant to fund programs to restore the effectiveness of state and local juvenile justice systems; (3) directs the Attorney General to establish an armed violent youth apprehension program; (4) allows 14-year old or older juveniles who commit a serious federal violent felony or drug offense to be prosecuted as adults, and extends the option to prosecute 13-year olds as adults for the same reasons; (5) gives prosecutors increased authority to seek to charge juveniles as adults; (6) increases the types of sentences juvenile delinquents may receive; (7) mandates that the victim of a juvenile offender may not be excluded from the court room; and (8) increases flexibility in where juveniles may be held before trial. CBO estimates that enactment will result in additional discretionary spending of \$1.4 billion over five years. The bill was introduced by Mr. McCollum and was ordered reported by the Judiciary Committee by voice vote.

Views (on the overall bill):**Republican Leadership:** Supports**Chairman Hyde:** Supports**Clinton Administration:** No Position Available

Amendments: As stated above, the rule makes in order eight amendments, debatable in the order listed and for the amount of time specified below:

Mr. Gephardt may offer an amendment in the nature of a substitute (#1), debatable for one hour, to authorize discretionary grants for juvenile crime prevention and control and strengthen federal juvenile court proceedings for dealing with violent juveniles. Specifically, the substitute authorizes \$1.5 billion for discretionary grants, instead of block grants, and requires that 60 percent of the funds must be used for crime and drug prevention programs. The substitute also allows discretionary grants funds to be used for treatment, education, training, and after-care programs for institutionalized juveniles (H.R. 3 does not authorize funding for prevention activities).

The substitute changes federal juvenile proceedings to (1) extend the maximum age, from 21 to 26, that violent juvenile offenders may be held in juvenile correctional facilities, (2) require a judge to decide whether to transfer a juvenile to adult court within 90 days of arrest for a violent crime (current law and the bill have no time limits), (3) maintain the current law time limit of 20 days by which a court must sanction a delinquent juvenile (the bill increases the limit to 40 days), (4) increase penalties for juveniles who commit crimes with handguns as well as for those who helped them obtain firearms.

Supporters of the amendment argue that the substitute is a balanced bill that provides necessary measures for prevention and punishment of juvenile offenders. Bill supporters argue that H.R. 3 specifically focuses on violent offenders and that there will be other legislation to address prevention programs in the future. *Staff Contact: Cassandra Butts, x5-6760*

Mrs. Waters may offer an amendment (#2), debatable for 10 minutes, to strike the provision that requires juveniles who are accused of conspiracy to commit drug crimes to be prosecuted as adults. Current law specifically does not allow juveniles to be prosecuted for conspiracy crimes. The member argues that children often talk about things with no intentions of carrying them out, and even if they have intent, they often change their minds before committing the act. Thus, they should not be prosecuted for talking about, or being in the presence of others who talk about a committing a drug-related crime. *Staff Contact: Joseph Lee, x5-2201*

Mr. Conyers may offer an amendment (#3), debatable for 10 minutes, to strike provisions in the bill relating to the prosecution of 13-year-olds as adults. The bill expands current law to give the prosecutor the option to request that the Attorney General allow 13-year-olds to be prosecuted as adults if they are accused of committing a serious violent felony. *Staff Contact: Melanie Sloan, x5-5126*

Mr. Scott may offer an amendment (#4), debatable for 10 minutes, to strike provisions in the bill that allow states to use block grant funds to build prisons and detention centers. The member argues that the \$500 million per year authorized for the block grants is insignificant compared to the hundreds of millions of dollars required to build prisons, and new facilities are not the most effective way of combating juvenile crime. *Staff Contact: Denise Forte, x5-8351*

Ms. Lofgren may offer an amendment (#5), debatable for 10 minutes, to earmark 50 percent of block grant funds for juvenile crime prevention programs. The member argues that states and localities should be allowed to use the accountability block grants for prevention programs that have been proven to be successful. Opponents of the amendment argue that prevention efforts alone are not successful in combating youth crime, as evidenced by recent Justice Department studies. Besides, they say, Congress will be addressing legislation relating to crime prevention programs later this year. *Staff Contact: Derrick Ludwin, x5-3072*

Mr. Meehan may offer an amendment (#6), debatable for 10 minutes, to require the Bureau of Justice Assistance to give priority in consideration for the portion of the Byrne Discretionary Grants that are designated for anti-gang enforcement initiatives to public agencies that have taken steps to coordinate local, state, and federal efforts to decrease illegal gun sales to juveniles by tracing guns used to commit crimes. *Staff Contact: Glen Shor, x5-3411*

Ms. Dunn may offer an amendment (#7), debatable for 10 minutes, to require states, in order to receive Byrne Grant funding from the Bureau of Justice Assistance, to submit a plan to the Attorney General to notify parents whenever a juvenile who has been found guilty of committing sexual offenses is enrolled in an elementary or secondary school. *Staff Contact: Mala Krishnamoorti, x5-7761*

Mr. McCollum may offer a manager's amendment (#8), debatable for 10 minutes, to (1) allow juveniles who would normally be prosecuted as an adult under this bill to be exempt from being prosecuted as adults if the Attorney General certifies that it is in the best interest of justice to do so (the bill currently allows an exemption for the interest of the "general public"); (2) designates the Attorney General, instead of the Director of the Bureau of Justice Assistance, as the administrator of federal block grant funding; and (3) redefines the term "serious violent crime" to include only acts of murder, aggravated sexual assault, and assault with a firearm (the term under the bill is currently more expansive). *Staff Contact: Dan Bryant, x5-3926*

Additional Information: See *Legislative Digest*, Vol. XXVI, #12, May 2, 1997.



H.R. 2—Housing Opportunity and Responsibility Act

Floor Situation: The House will continue considering amendments to H.R. 2 after it completes consideration of H.R. 3. Any recorded votes on amendments will be postponed until Tuesday, May 13. Yesterday, the House completed consideration of amendments to Title II and began considering amendments to Title III under an open rule. The rule waives House rules which (1) require that committee reports be available for three days prior to consideration, (2) require a CBO cost estimate in the committee report, and (3) prohibit appropriations in a legislative bill. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. It allows the chairman of the Committee of the Whole to postpone votes during consideration, and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2 replaces the 1937 United States Housing Act—the basis of all federal housing programs—with a new housing framework. The bill consolidates into a new block grant program the existing programs through which tenant-based rental assistance is currently provided through Section 8 certificates and vouchers. It creates new rental assistance programs very similar to vouchers, known as “Choice-Based Housing Assistance,” which provide rental assistance for a single year at a time (currently, most vouchers provide assistance for two years) and allow families to use their vouchers for housing anywhere in the United States.

The bill also:

- * deregulates the public housing system by giving more decision making responsibilities to the nation’s 3,400 public housing authorities (PHAs);
- * repeals the so-called “Brooke Amendment” and allows recipients to pay either a flat rent or an amount up to 30 percent of their income;
- * requires able-bodied individuals who live in public housing or who receive rental assistance to contribute eight hours of community service per month or participate in an accepted economic self-sufficiency program (e.g., job training);
- * authorizes HUD to issue rules prohibiting businesses from charging excessive and unnecessary fees (such as advice) to senior citizens when obtaining FHA-insured reverse mortgages;
- * requires that up to 35 percent of residents have incomes at or below 30 percent of area median income (65 percent of new tenants may be from the “working poor,” those who hold jobs and earn no more than 80 percent of an area’s median income); and
- * makes federal housing grants through the Department of Housing and Urban Development (HUD) available to local governments to implement locally-developed proposals upon HUD’s approval of the plan.

The bill freezes authorization levels for approximately 37 percent of programs under HUD’s jurisdiction at \$6 billion for each of the next five fiscal years. The bill also continues the authority to renew Section 8 project-based assistance at current levels, subject to appropriations. CBO estimates that enactment may result in net discretionary outlays of \$42.6 billion over the next five years, if Congress appropriates the total amounts authorized in the bill. However, CBO estimates that the bill does not affect direct spending so pay-as-you-go procedures do not apply. H.R. 2 was introduced by Mr. Lazio and was reported by the Banking & Financial Services Committee by a vote of 28-19 on April 23, 1997.

Amendments: At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2:

Title III — Choice Based Housing and Homeownership Assistance

Mr. Kennedy (MA) may offer an amendment (#12) to alter the bill’s assisted housing income targeting provisions. Currently, the bill reserves at least 40 percent of tenant-based Section 8 vouchers (renamed choice-based assistance in the bill) for families with incomes at or below 30 percent of the area median income, with the remainder going to families who earn up to 80 percent of area

median income. The amendment requires that 75 percent of choice-based rental vouchers issued each year be provided to families with incomes below 30 percent of the area median income. It also requires that all choice-based assistance be reserved for families making less than 50 percent of the median area income, the same level mandated under current law. *Staff Contact: Scott Olson, x5-5111*

Ms. Jackson-Lee may offer an amendment (#32) to require PHAs to set federal preference rules (which the bill eliminates) for choice-based housing to favor families who live in substandard housing, pay more than 50 percent of their income for rent, or are involuntarily displaced (i.e., homeless) at the time they are seeking housing assistance. *Staff Contact: Oliver Kellman, x5-3816*

Mr. Nadler and Mr. Schumer may offer an amendment (#18 or #19) to authorize funding to renew all expiring Section 8 choice-based assistance and tenant-based assistance contracts for FYs 1998-2002. Furthermore, the amendment authorizes \$305 million annually to provide 50,000 new one-year choice-based vouchers under this title. The authorization language in the bill does not preclude new incremental assistance. The members argue that the Section 8 programs have been underfunded. *Staff Contacts: Zachery Katznelson (Nadler), x5-5635; Jim Kessler (Schumer), x5-6616*

Title IV — Home Rule Flexible Grant Option

Mr. Kennedy (MA) may offer an amendment (#13) to delete Title IV of the bill, which creates a performance agreement option to allow local governments, upon HUD's approval, to receive federal assistance to develop and administer their own flexible low-income housing programs (otherwise, the funding is provided directly to the public housing authority). *Staff Contact: Scott Olson, x5-5111*

Title V — Accountability and Oversight of Public Housing Agencies

Mr. Vento may offer an amendment (#25) to strike provisions of the bill that create a Housing Evaluation and Accreditation Board to evaluate the performance of local housing authorities. The bill creates the 12-member board to conduct a six-month study of alternative methods to evaluate the performance of public housing agencies. The amendment eliminates the board but allows the study to be conducted by the HUD Secretary. *Staff Contact: Kristen Johnson, x5-6631*

Title VI — Repeals and Related Amendments

Mr. Gutierrez may offer an amendment (#7) to allow the owner of a Section 8 housing development, in which 15 percent of the tenants pay more than 60 percent of fair market value, to cap rent at 60 percent of fair market value. Once more than 40 percent of the tenants pay at least the 60 percent cap, the cap may no longer be offered to new tenants. The member argues that this amendment will encourage mixed income housing and build up low income communities. *Staff Contact: Laura Scharfenberg, x5-8203*

Title VII — Affordable Housing and Miscellaneous Provisions

Mr. McCollum may offer one of two amendments (#16 or #17) to (1) prohibit HUD from establishing a national occupancy standard (the bill currently contains a similar prohibition); (2) affirm the rights of the states to establish their own occupancy standards; and (3) set a national default standard in the absence of any state standards. The amendments differ in how they define the default standards in the absence of state standards. Amendment #16 establishes occupancy standard of two persons per bedroom, as defined in a 1991 HUD memo, while Amendment #17 establishes an occupancy standard of two persons plus infants per bedroom. *Staff Contact: Jenn Hargon, x5-2176*

Other Amendments

Mr. Knollenberg may offer an amendment (#35) authorizes HUD to reveal certain income information received from the Social Security Administration (SSA) and the Internal Revenue Service (IRS) to a public housing authority in order to help fight fraud and abuse. The amendment intends to reduce the amount of fraud and abuse that exists when public housing tenants fail to properly report their income. *Staff Contact: Deron Zeppelin, x5-5802*

The Kennedy Substitute

Mr. Kennedy (MA) may offer an amendment in the nature of a substitute (#10) to (1) abolish the Brooke Amendment and allow PHAs to charge residents up to 30 percent of their income, while allowing maximum rents; (2) establish a minimum rent of between \$0 and \$25 (the bill sets a minimum between \$25 and \$50) with mandated hardship exemptions for those families, including legal immigrants, who have lost any type of public assistance because of the 1996 welfare reform law; (3) require housing authorities to reserve 40 percent of public housing units for families with incomes at or below 30 percent of the area median income, while making 90 percent of units available to families with income at or below 60 percent of the area median income and the remaining 10 percent to families with incomes at or below 80 percent of the area median income (H.R. 2 requires that up to 65 percent of new tenants be from the “working poor,” those who hold jobs and earn no more than 80 percent of an area’s median income. At least 35 percent of the remaining new resident’s would be those earning less than 30 percent of the median income in the area).

Furthermore, the substitute:

- * requires a housing authority to target 75 percent of its Section 8 tenant-based rental housing assistance to families with incomes at or below 30 percent of the area median income, and target all assistance toward families who make 50 percent or less of the area median income;
- * requires housing authorities to encourage the tenants to volunteer in their community;
- * authorizes the creation of a board within HUD to determine how to improve its methods of evaluating the performance of PHAs and raise those issues with Congress;

- * streamlines and consolidates the funding streams for public housing, establishing an operating fund to cover day-to-day operations and a capital fund to cover modernization expenses and other capital costs;
- * establishes a mixed-finance program so that PHAs can use their operating and capital funds in conjunction with other federal, state, local and conventional funds to make mixed-income housing;
- * merges the two tenant-based rental housing assistance programs (Section 8 certificate and voucher programs) into one tenant-based assistance program; and
- * expands the drug elimination program to permit formula-based funding to PHAs that demonstrate a need, based on crime data, to administer crime reduction programs, such as installing security systems in the developments or conducting after-hour programs for at-risk youth.

To list some of the major differences between the Kennedy substitute and H.R. 2, the substitute does *not* (1) repeal the 1937 Housing Act; (2) require public housing tenants to perform community service or sign self-sufficiency contracts, (3) create an accreditation board for PHAs, (4) require PHAs to establish market rents for each public housing unit, (5) create a local performance agreement alternative, and (6) permit PHAs to meet their targeting requirements by increasing the number of low-income families in their tenant-based assistance programs above the mandated targeting requirement. **Staff Contact: Nancy Libson or Angela Garcia, Housing Subcommittee Minority Staff, x5-7054**

Additional Information: See *Legislative Digest*, Vol. XXVI, #11, April 25, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER ENTIRELY NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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